



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ivarie, et al.

Application No.: 10/696,671

Filed: October 28, 2003

For: NOVEL VECTORS IN AVIAN
TRANSGENESIS

Customer No.: 20350

Confirmation No. 6850

Examiner: Kaushal, Sumesh

Technology Center/Art Unit: 1633

DECLARATION UNDER 37 C.F.R. §1.132

OF ROBERT D. IVARIE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Robert D. Ivarie, being duly warned that willful false statements and the like are punishable by fine or imprisonment or both, under 18 U.S.C. § 1001, and may jeopardize the validity of the patent application or any patent issuing thereon, state and declare as follows:

1. All statements herein made of my own knowledge are true and statements made on information or beliefs are believed to be true.
2. I am an inventor of the above-referenced application which claims priority from Patent Application No. 09/173,864, filed on October 16, 1998, now Patent No. 6,730,822, issued May 4, 2004 and Provisional Application No. 60/062,172, filed on October 16, 1997.
3. I have reviewed the Office Action mailed on October 19, 2005 in connection with the above-referenced application. In the Office Action, the Examiner has rejected claims 20-21, 28-37, 41-42 and 46 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,897,998, Speksnijder *et al.* The publication identified by the Examiner under 35 U.S.C.

§102(e) (U.S. Patent No. 5,897,998) was filed on August 4, 1997 and issued on April 27, 1999.

4. The inventors for U.S. Patent No. 5,897,998 are Gordon Speksnijder and myself. However, Gordon Speksnijder is not the inventor of an avian egg containing exogenous protein. I conceived the invention of an avian egg containing exogenous protein prior to August 4, 1997.

1/17/06 Robert D. Ivarie, Ph.D.
Date Robert D. Ivarie, Ph.D.